



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Ecological Services  
Carlsbad Fish and Wildlife Office  
2177 Salk Avenue, Suite 250  
Carlsbad, California 92008



In Reply Refer To:  
FWS-SDG-12B0241-16F0827

August 18, 2016  
*Sent by Email*

Mr. Alessandro Amaglio  
Environmental Officer, Region IX  
Federal Emergency Management Agency  
1111 Broadway, Suite 1200  
Oakland, California 94607-4052

Subject: Streamlined Formal Section 7 Consultation for the Vegetation Management Risk Reduction Project (LPDM-PJ-09-CA-2009-004), City of Chula Vista, San Diego County, California

Dear Mr. Amaglio:

This document transmits our biological opinion based on our review of the proposed Vegetation Management Risk Reduction project within an expanded project area (LPDM-PJ-09-CA-2009-004) and its effects on the federally threatened coastal California gnatcatcher (*Poliophtila californica californica*; gnatcatcher), in accordance with section 7 of the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*). Your agency proposes to fund the City of Chula Vista to conduct wildfire risk reduction activities (e.g., vegetation thinning and removal) within approximately 16 acres of land in the area known as Rice Canyon, located within the plan area boundary of the City of Chula Vista's Subarea Plan under the Multiple Species Conservation Program (MSCP), San Diego County, California. The proposed project is an expansion of a wildfire risk reduction project your agency consulted on in 2012 [Formal Section 7 Consultation for the Vegetation Management Risk Reduction Project (LPDM-PJ-09-CA-2009-004), City of Chula Vista, San Diego County, California (FWS-SDG-12B0241-12F0407)]. We initiated formal consultation for the expanded project area on July 7, 2016, the date we received your agency's request for consultation.

This biological opinion is based on information provided with your initiation request, Intra-Service Biological and Conference Opinion (FWS-SDG-882.1) for Issuance of an Incidental Take Permit to the City of Chula Vista pursuant to the MSCP dated July 18, 2003 (2003 biological opinion), and other information in our files. The complete project file addressing this consultation is maintained at the Carlsbad Fish and Wildlife Office.

The status of the gnatcatcher and the effects of implementing the City of Chula Vista's Subarea Plan were previously addressed in our 2003 biological opinion for issuance of an Incidental Take Permit under section 10 of the Act to the City of Chula Vista. Our 2003 biological opinion concluded that the effects of the Subarea Plan and level of incidental take were not likely to jeopardize the continued existence of the gnatcatcher. Due to the location of the proposed brush clearance, the project requires confirmation from the City of Chula Vista Fire Department that the project is necessary to reduce wildfire risk. This requirement was satisfied in an electronic message from Justin Gipson, Fire Division Chief, on July 18, 2016. The residential development surrounding Rice Canyon was completed prior

to development of current fuel modification standards, and the vegetation currently growing in the canyon presents a unique fire risk. Fuel modification will target removal of non-native plants and dead wood, and large stands of lemonade berry (*Rhus integrifolia*) will be trimmed to limit their potential to serve as ladder fuels. Following vegetation removal, the project area will be reseeded with native species to minimize erosion. Given that the proposed vegetation management (e.g., brush management) is consistent with the City of Chula Vista's Subarea Plan, we do not anticipate any adverse effects to the gnatcatcher that were not previously evaluated in our 2003 biological opinion. Thus, no incidental take beyond that anticipated in the 2003 biological opinion will occur as a result of the proposed action. Therefore, we conclude that implementation of the proposed vegetation management within Rice Canyon will not result in jeopardy to the gnatcatcher.

By this consultation, we are extending to the Federal Emergency Management Agency the incidental take exemption for the gnatcatcher already provided to the City of Chula Vista through their incidental take permit for their Subarea Plan. Extension of this take exemption to your agency is limited to the proposed action described in this biological opinion for activities that are consistent with the City of Chula Vista's Subarea Plan, implementing agreement, and incidental take permit.

This concludes formal consultation on the proposed action. As provided in 50 CFR §402.16, reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been retained (or is authorized by law) and if: 1) the amount or extent of incidental take is exceeded; 2) new information reveals effects of the proposed action that may affect listed species or critical habitat in a manner or to an extent not considered in this opinion; 3) the agency action is subsequently modified in a manner that causes an effect to listed species or critical habitat that was not considered in this opinion; or 4) a new species is listed or critical habitat is designated that may be affected by the proposed action. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease pending reinitiation.

If you have any questions regarding this biological or conference opinion, please contact Eric Porter of this office at 760-431-9440, extension 285.

Sincerely,

for Karen A. Goebel  
Assistant Field Supervisor

cc:

Elyse Levy, California Department of Fish and Wildlife, San Diego, CA  
Cheryl Goddard, City of Chula Vista, Chula Vista, CA